

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

OHIO VALLEY ENVIRONMENTAL
COALITION, INC., WEST VIRGINIA
HIGHLANDS CONSERVANCY, INC.,
and SIERRA CLUB,

Plaintiffs,

v.

CIVIL ACTION NO. 3:09-1167

HOBET MINING, LLC,

Defendant.


ORDER

For reasons stated on the record at the August 31, 2011 hearing on the parties' consent decree, the Court **FINDS** as follows:

1. That it will decline to enjoin the defendant's current water treatment system proposal;
2. That it will defer to the West Virginia Department of Environmental Protection ("DEP") in determining the sufficiency of the system design; and
3. That deference to the DEP and the defendant's current plan does not imply that the defendant will not be subject to further action in the event the system fails to meet all applicable legal standards.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: August 31, 2011



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE